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10/738,460	12/17/2003	Christopher L. Oesterling	GP-304229 (2760/148)	9581

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EXAMINER
SHAH, PARAS D

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*08/24/2007*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 08/24/2007. Claims 1-6 and 13-18 remain pending and have been examined. The Applicants' arguments have been carefully considered, but they are not persuasive and do not place the claims in condition for allowance. Accordingly, this action has been made FINAL.

2. All previous objections and rejections directed to the Applicant's disclosure and claims not discussed in this Office Action have been withdrawn by the Examiner.

Change of Art Units

3. It should be note that the Examiner has changed art units, which was formerly 2609. The Examiner's new art unit is 2626.

Response to Arguments

4. Applicant's arguments (pages 7-10) filed on 08/24/2007 with regard to claims 1-18 have been fully considered but they are not persuasive.

As to claim 1, the applicants argue that the teaching of determining the speech input context is not shown in the Brems reference. The examiner traverses this argument by citing again col. 13, lines 47-65. In the cited sections, it is seen that a determination is made as to whether a number was inputted or a name was inputted by the user. Hence, the use of context is apparent for the purposes of dialing a number. The system determines that a number must be balled although not specified as an input. The applicants give an example that context is identifying between a number and

an address (See Applicant's Arguments, page 8, lines 9-10). However, the reference teaches an equivalent example as stated above. The cited reference by Brems determines the context of either a name or a number for dialing purposes and is equivalent to the context of wither a number or address for dialing a number.

As to claim 3, the applicants argue that the Deisher reference does not teach accessing a set of rules for formatting the speech input. The examiner traverses this argument by again citing from the Deisher reference paragraph [0027] and [0028]. In the cited portion, the subject device has capabilities of supporting and storing formats of speech. It then communicates the format to the intermediate device. In the reference to the claim limitation, the subject device was as a storage of variety of formats since there is an expectation of various formats. In other words, these formats are rules for communicating the speech to the intermediate device. Since the intermediate device can recognize certain formats of speech, it selects accesses the set of rules or format type from the subject device depending on the intermediate device capabilities. In other words, a set of rules is accesses for formatting the speech input. The teaching of the determination of the speech input context is taught by the Brems reference as stated in the previous paragraph.

All rejections are maintained as in the previous office action and are provided below.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 2, 5, 13, 14, 17, and 18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Brems (US 6,505,161).

As to claims 1, 7, and 13, Brems teaches a method for enabling a device function

of a vehicle, the method comprising:

receiving a speech input stream (see col. 8, lines 4-5) at a telematics unit

(see col. 7, lines 66-68-col. 8, lines 1-2);

determining a **speech input context** for the received speech input stream

(see Figure 7 and col. 13, lines 47-65) (e.g. In this figure the process for

recognizing and performing the command is shown. The applicant regards the

context as identifying the speech command or input (see Applicant's

Specification, page 10, lines 8-9**) In the cited sections, it is seen that a**

determination is made as to whether a number was inputted or a name was

inputted by the user. Hence, the use of context is apparent for the

purposes of dialing a number);

processing the received speech input stream based on the determination

(see col. 13, lines 57-65) (e.g. The speech recognition unit recognizes the voice

message and processes the message since the dialing of a number was

determined); and

enabling the device function of the vehicle responsive to the processed

speech input stream (see col. 13, lines 66-67) (e.g. It is implied that the calling

device is enabled in order to execute the command and perform out dialing). As

to claim 7, the reference indicates the implementation in a computer (see col. 14,

lines 9-15).

As to claims 2 and 14, Brems teaches wherein determining a speech input

context for the received speech input stream comprises:

monitoring the speech input stream at a context recognizer (see col. 4,

lines 57-61), the context recognizer comprising a context verbiage (see col. 3,

lines 48-65)(e.g. It is seen in the Brems reference that the user's spoken voice

message is recognized depending on the context, in this case phone number);

comparing the speech input stream to the context verbiage (see col. 13,

lines 57-63) (e.g. The message is compared by the use of speech models and

parameters); and

selecting one of a plurality of domain specific actuators (see col. 4, lines

64-67-col. 5, lines 1-3 and col. 12, lines 54-58, lines 66-67-col. 13, lines 1-5)

based on the determined speech input context (see col. 2, lines 63-66) (e.g. The

Brems reference states the use of codes to determine the device type in order to

format and decode the speech input by the user. The Applicant refers to the

domain specific actuators as a set of rules for formatting the speech input .for

compatibility with the vehicle device (see Applicant's Specification, page 10, lines

15-18), which is assigned to each device in the vehicle).

As to claims 5 and 17, Brems teaches wherein the enabling device function of

the vehicle comprises:

writing the processed speech input stream in an activation cache (see col.

6, lines 55-67 and see col. 11, lines 14-15) (e.g. This feature is implied and is

stored in memory in order to supply the voice message to the service module);

activating a vehicle device corresponding to the device function of the vehicle

(see col. 13, lines 60-67 and see col. 10, lines 14-19) (e.g. It is implied by the

Brems reference that the activation of the device function is done in order to

allow the outdialing and receiving.); and

supplying the processed speech input stream from the activation cache to

the vehicle device (see col. 13, lines 60-67 and see col. 10, lines 14-19) (e.g. It

is implied that the processed speech is supplied to the vehicle device in order to

outdial the stated number as well as receive the incoming transmission.)

As to claims 6 and 18, Brems teaches

the directing of a vehicle device in control of the enabled device function

of the vehicle based on the processed speech input stream (see col. (see col. 13,

lines 60-67 and see col. 10, lines 14-19) (e.g. It is implied by the reference that

the vehicle deice is directed to perform the function based on the input message.

In the Brems reference, outdialing of the call is performed based upon the

number and the outdialing is performed by the cellular telephone described by

the reference to be a telematic unit (see col. 8, lines 1-2).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 3, 4, 15, and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brems as applied to claim 1 above, in view of Deisher *et al.* (US

2004/0002866).

As to claims 3 and 15, Brems teaches the formatting of the received speech

based on device type (see col. 4, lines 64-67-col. 5, lines 1-3 and col. 12, lines 54-58,

lines 66-67-col. 13, lines 1-5).

However, Brems does not specifically teach the accessing of a set of rules

for formatting speech.

The Deisher *et al.* reference is in the same field of endeavor as that of

Brems, which both refer to vehicle devices (see page 1, [0019] and [0045]).

Deisher *et al.* teaches **the accessing of the set of rules and for the device for**

formatting the speech input (see page 2, [0027] and [0028]) (e.g. It is seen by

the Deisher *et al.* that each device is expected to have different capabilities and

communication as to these specific formats is done. **Further, it is seen by the**

communication of these formats that there are a set of rules and structures

associated with each type of device that is accessed from the subject

device to the intermediate device or the device being enabled.

It would have been obvious to one of ordinary skilled in the art at the time

the invention was made to have modified the enabling device function as taught

by Brems with the accessing of the rules and structures of the specific device

type as taught by Deisher *et al.* The motivation to have combined the two

references involve enabling communication between different device types,

which have different formats (see Deisher *et al.*, page 3, [0027]), which would

benefit the system presented by Brems for the various devices that can

communicate.

As to claims 4 and 16, Brems in view of Deisher teach all of the limitations as in

claims 1 and 3, above.

Furthermore, Brems teaches the use of a database where the formatting

and device codes are kept (see col. 4, lines 62-67-col. 5, lines 1-3 and col. 12,

lines 54-58, lines 66-67-col. 13, lines 1-5) (e.g. From the Applicant's definition of

a domain specific actuator, it was interpreted to be a database containing the

various rules and structures for the specific device).

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Junqua (US 6,598,018) is cited to teach the processing of a spoken request from

a user to control an automobile device.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paras Shah whose telephone number is (571)270-1650.

The examiner can normally be reached on MON.-THURS. 7:30a.m.-4:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.

09/01/2007

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